

(ATTACHMENT H)**Guidelines For Advertising On
The City Of Rockville Bus Shelters****1. Purpose.**

A. These guidelines are intended to maximize the overall revenue-generating capacity of the Bus Shelters by ensuring that advertising appearing on the Bus Shelters does not threaten the ability of the Bus Shelters to generate revenue from patronage by riders and from other advertising. The City recognizes that such revenue may be threatened if advertising appearing on the Bus Shelters causes adverse reactions from other advertisers, Bus Shelter patrons, or the neighborhoods in which the Bus Shelters must operate in order to generate revenue. These guidelines also are intended to: (1) avoid any public perception that the Department of Public Works, the Mayor and Council, or the City endorses the content of advertising appearing on the Bus Shelters; (2) avoid having advertising on the Bus Shelters contribute to any potential safety hazard; (3) ensure that Bus Shelters are readily identifiable as such to the public; and (4) ensure that advertising appearing on the Bus Shelters does not interfere with the proper maintenance and upkeep of that property.

B. These guidelines are intended to create definite, objective, uniform, and enforceable standards for advertising appearing on Bus Shelters.

C. The City intends that the Bus Shelters shall not be allowed or caused to become a "public forum" for the dissemination, discussion, or debate of ideas. The City will use these guidelines with the express intent of preventing any Bus Shelter from becoming a public forum.

D. The City may amend these guidelines at any time.

E. These guidelines do not apply to advertisements for services provided by the Department of Public Works, Traffic and Transportation Division, the City, or by any agency of government under the direct control of the Mayor and Council. The Mayor and Council retains complete discretion to control all such advertising in any manner it deems best serves the interests of the City. However, all such advertising shall comply with standards adopted by the Department of Public Works, Traffic and Transportation Division as described below in Section 3 relating to size, materials, and placement.

2. Advertising Standards. All advertising on the Bus Shelters must meet the following standards:

A. Only advertisements primarily for the purpose of promoting the sale of commercial goods or services are permitted. All other advertising (including, but not limited to, public service, public issue, and political advertising, as well as advertising only incidentally promoting a commercial transaction) is prohibited.

B. Only advertisements for commercial goods or services that lawfully may be purchased in the City by residents of the City, regardless of age and without the consent of any other person, are permitted.

C. Notwithstanding the provisions of subsections A and B above:

1. False, misleading, deceptive, or libelous advertising is not permitted.

2. Advertisements for motion pictures rated "R" are permitted, provided that the graphics and text do not include any material responsible for the "R" rating.

3. Advertisements portraying or describing nudity, obscenity, sexual conduct, sexual excitement, or sadomasochistic abuse are not permitted.

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4. Advertisements portraying or describing alcoholic beverages, tobacco products, or controlled substances are not permitted.
 5. Advertisements supporting, opposing, portraying, or describing any political candidate, issue, or cause, or any public service, issue or cause, or any religion, denomination, creed, tenet, or belief are not permitted.
 6. Advertisements for motor vehicles are permitted.
 7. Advertisements disparaging the use of mass transit, vanpooling, carpooling, and/or related transportation management programs are not permitted, and advertisements that promote unsafe conduct while using mass transit, vanpooling, carpooling, or other related transportation management programs also are not permitted.
 8. In the event any advertisement appears to be permitted by one standard set out herein but not permitted by another such standard, the advertisement is not permitted. In any case where there is any reasonable doubt about whether an advertisement is permitted by these standards, the advertisement is not permitted. Under no circumstances will any City employee or Contractor of the City have the discretion to permit or not permit any advertisement, but instead all such employees and Contractors shall adhere strictly to these standards.
3. Size, Materials, and Placement. The City's Department of Public Works, Traffic and Transportation Division shall specify standards relating to the size, materials, and placement of advertisements on Bus Shelter property in order to ensure that such advertisements do not create a potential safety hazard, obscure features of the property identifying it as part of the Montgomery County's Ride On or WMATA METROBUS bus service(s), or interfere with maintenance or upkeep of the property. Only advertisements meeting those standards are permitted on the Bus Shelter property.